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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/912,920  | 07/25/2001  | Jurgen Nicolai       | 2822                | 5493             |
| 26822   | 7590        | 10/20/2005           | EXAMINER            |                  |
| WALTER A. HACKLER<br>2372 S.E. BRISTOL, SUITE B<br>NEWPORT BEACH, CA 92660-0755 |             |                      | WANG, LIANG-CHE     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2155                |                  |

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/912,920

Applicant(s)

NICOLAI, JURGEN

Examiner

Liang-che Alex Wang

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2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/25/01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-10 are presented for examination.

#### ***Paper Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:
  - a. **Information Disclosure Statements** as received on 07/25/2001 is considered.

#### ***Drawings***

3. The drawings are objected to because of the following informalities.
  - a. Written descriptions on drawings are suggested for readers to understand the drawing with ease.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Referring to claim 1, Claim 1 recites the limitation "wherein the changes and supplements" in lines 4. There is insufficient antecedent basis for this limitation in the claim.
7. Referring to claim 8, the conditional statement "if" renders the claim vague and indefinite. The Examiner views claim 8 as a computer product claim that encompasses the same scope as claim 1.
8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
9. All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
11. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malcolm, US Patent Number 6,950,980, hereinafter Malcolm, in views of Stewart et al., US Patent Number 6,389,460, hereinafter Stewart.
12. Referring to claim 1, Malcolm teaches a communication method between a network client (Figure 1 client 102) and a network server (server 110), wherein a network

document requested by the network client is sent from the network server to the network client and displayed by a browser of the network client to the user for processing, wherein the changes and supplements carried out by the user on the network document on the network client, are recorded on the network client via software as user-specific data and wherein, when the network document is loaded again by the user, the network document generated during previous loading on the network client through the interaction with the user, is restored on the basis of the stored user-specific data (see Col 2 lines 13-44).

Malcolm does not teach the user-specific data are stored in the network server.

However, Stewart teaches the user-specific data are stored in the network proxy server (Col 11 line 64 –Col 12 line 1.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the method of storing user-specific data in the network server of Stewart in Malcolm such that to have user-specific data stored in the network proxy server because both Stewart and Malcolm teaches object storing and retrievals in a network system.

A person with ordinary skill in the art would have been motivated to make the modification to Malcolm because having the user specific data stored in the network server would allow a fast access and retrieval of data objects as taught by Stewart (Col 11 line 48 – Col 12 line 3).

13. Referring to claim 2, Malcolm as modified teaches the communication method according to claim 1, wherein the changes and supplements carried out by the user on the network

document are at first intermediately stored on the network client in particular in the main storage or on the fixed disk (Col 2 lines 18-26).

14. Referring to claim 3, Malcolm as modified teaches the communication method according to claim 1, wherein the network server creates a specific region in a database for the user-specific data (Stewart, Col 11 line 64 –Col 12 line 1.).
15. Referring to claim 4, Malcolm as modified teaches the communication method according to claim 1, wherein in a first loading of a network document, the network client or the user is identified (see Col 2 lines 13-44).
16. Referring to claim 5, Malcolm as modified teaches the communication method according to claim 1, wherein the document changed or supplemented by the user is recorded on the network client and is stored in the network server in a browser-independent format, in particular in XML (Col 4 lines 18-36).
17. Referring to claim 6, Malcolm as modified teaches the communication method according to claim 1, wherein the stored user-specific data of the network server is interpreted on the network client and a format is generated therefrom which the network browser can read (Col 2 lines 13-44 and Col 4 lines 18-36).
18. Referring to claim 7, Malcolm as modified teaches the communication method according to claim 1, wherein the changes and supplements carried out by the user on the network document are at first intermediately stored on the network client in particular in the main storage or on the fixed disk, wherein the network server creates a specific region in a database for the user-specific data, wherein in a first loading of a network document, the network client or the user is identified, wherein the document changed or supplemented

by the user is recorded on the network client and is stored in the network server in a browser-independent format, in particular in XML, and wherein the stored user-specific data of the network server is interpreted on the network client and a format is generated therefrom which the network browser can read (Col 2 lines 13-44 and Col 4 lines 18-36).


19. Referring to claims 8-10 claims 8-10 encompass the same scope of the invention as that of the claims 1. Therefore, claims 8-10 are rejected for the same reason as the claim 1.

### *Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang   
October 11, 2005

  
**SALEH NAJJAR**  
**SUPERVISORY PATENT EXAMINER**